

## WHERE IS THE UNITED NATIONS HEADING?

DISCUSSION PAPER PREPARED BY THE DEPARTMENT OF EXTERNAL AFFAIRS

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## FOREWORD

Canada's election to serve on the Security Council of the United Nations during 1977-78 marks the fourth time Canada has served on the Council. There are five permanent and ten non-permanent members of the Council, the latter being elected for two-year periods on the basis of representation of the main regions of the world. Canada's membership of the Council is bound to draw attention again to the nature of the United Nations as an institution and to its place in Canadian foreign policy.

Attention is all the more likely to be paid to these matters because the recommendations and decisions of the General Assembly, the Security Council and UN agencies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO) have become a subject of public debate and controversy in a way that is new in Canada. During the first years of its history, the UN was often regarded as futile or irrelevant because the major decision-making body, the Security Council, was paralysed by the veto. Efforts were made to transfer the peacekeeping powers of the Council to the Assembly, where the veto did not apply, and under the leadership of Dag Hammarskjöld and Lester Pearson the UN was able to intervene effectively between Israel and Egypt in 1956. The Council resumed its authority in the 1960s when it responded to requests for peacekeeping assistance to the Congo and to Cyprus. Canadians by and large supported these UN operations, especially as Canada played a leading role in them, while remaining largely unaware of the less dramatic non-security functions of the UN - economic and social co-operation, development of international law, definition of human rights and freedoms, etc.

Towards the middle of the decade of the Sixties and since then, however, these non-security functions began to become the major concern of the UN, which included 82 members in 1959 and now has 147. The new members saw the UN as a major instrument for the modernization of their economies and the redistribution of wealth from rich to poor countries. They also set to work to enlist the help of the UN in freeing the remaining colonies, especially in Africa, and in the campaign against racial discrimination that focused on South Africa. Finally, the war between Israel, Egypt and Syria in October 1973, followed by the oil embargo and the dramatic increase in oil prices, had the effect of reinforcing demands for a new international economic order by the use of "oil" leverage. This new strength was apparent in 1974, when the Assembly passed a resolution admitting the Palestine Liberation Organization (PLO) as an official observer of Assembly proceedings, and in 1975, when the Assembly identified racism with Zionism. Debate on these subjects spilled over into the Specialized Agencies of the UN, bedevilled the agendas of technical conferences, and appeared in the eyes of many Western observers to discredit the UN system as a whole.

There is a danger, in these circumstances, that the functions and procedures of the UN will be misunderstood or, if understood, will be dismissed as at best ineffective and at worst harmful. There have always been critics of the UN, but there have rarely been so many critics or so much misinformation. Before we write off the UN, we should consider its value as well as its weakness, and we should be ready to offer proposals for reform unless we believe that a universal organization having similar purposes is unnecessary. A common misconception is that the UN is somehow separate from its members in the sense that a piece of machinery is separate from the person who uses it.



Machinery may be self-operating, but to be critical of the UN is to be critical of the ways governments use the instruments of the UN system. To fashion better instruments, but to leave the same governments in charge, might achieve the opposite of what many critics want. On the other hand, we cannot expect to change quickly or easily the ways other governments behave. About the best we can do is to make the most effective use possible of the UN as an organization, assuming that neither Canada nor any other member is obliged to accept the decisions or recommendations of the UN if it is determined not to do so (except in certain carefully-defined circumstances). Obviously, however, the UN would cease to function if members refused to pay their assessed shares of the budget or to attend meetings. In that sense the UN imposes certain costs. We do help to keep the machine operating. But if we have cause to complain about some of the results it is best to address those complaints to those who push the levers. As Dag Hammarskjöld put it:

"Aboard this new Santa Maria we have to meet the impatience of those sailors who expect land on the horizon tomorrow, (and) the cynicism or sense of futility of those who would give up and leave us drifting impotently. On the shores we have all those who are against the whole expedition, who seem to take a special delight in blaming the storms on the ship instead of the weather...".

This paper is offered as a contribution to the process of public debate about the UN today, not as it was or might be. A separate publication entitled Canada and the United Nations: 1945-1975 is available to students of the background, and the booklet on the United Nations issued as part of Foreign Policy for Canadians in 1970 remains relevant and useful. The paper is not a statement of Government policy. It does attempt, however, to relate its discussion of the United Nations today to Canada's distinctive outlook and contribution.



## 1. INTRODUCTION

Even though the Charter opens in the name of "We, the peoples . . .", the United Nations is not a world government, nor is the General Assembly a world parliament. It is an organization of sovereign nation states or, in the words of the Charter, "a centre for harmonizing the actions of nations". Nevertheless, not unlike parliamentary democracy, the General Assembly of the United Nations, in its philosophy, atmosphere and operation, has always been dominated by the interplay of majority and minority and by a high degree of regulated confrontation between them. This confrontation has over the years taken a number of successive forms -- between the Communist states and the rest, between colonial and anti-colonial states, between the developing and the industrialized countries. Earlier confrontations have tended in time to become less harsh as the membership has expanded and new priorities have emerged; throughout, the United Nations has built up practices and procedures that have helped to win freedom for dependent peoples, to keep the peace in regional conflict, and to promote global co-operation on matters of universal concern.

It may be worth while to recall that in 1964 confrontation reached the point -- because of a controversy over member-state contributions -- where the General Assembly was paralyzed and resolutions could not be put to the vote for fear of pushing the organization over the brink; the only proposals that passed at that Assembly were those adopted by consensus or acclamation. The fact that large majorities now endorse propositions that may be objectionable to us does not mean that we can pick up our briefcases and go home. The issues will not go away even if the UN ceases to exist. Indeed, they would then become more difficult and dangerous than ever.

Today the United Nations faces one of its greatest challenges. The majority of the 147 member states are demanding a greater share of the world's economic opportunities and of the process of international decision-making that helps to shape these opportunities. Previous confrontations in the United Nations have been essentially political in nature; they have developed out of familiar international circumstances and values and have been resolved in time by reference to the generally-accepted principles and spirit of the Charter. The challenge cast by the developing countries to the industrialized states is not likely to be settled in this way. If the former cannot obtain greater advantage from international organizations such as the UN, they may be persuaded to form their own organizations and, if the rich countries are pressed too strongly to make immediate and substantial concessions, they may come to believe that "interdependence" is a concept they cannot afford.

Much of the recent history of the United Nations stems from the "spirit of Algiers", which emanated from the fourth conference of heads of non-aligned countries held in Algiers in the summer of 1973. Its results were embodied in a "political declaration" of a general character, a "declaration on the struggle for national liberation", an "economic declaration" and an "action program for economic co-operation", together with a number of supplementary resolutions on specific subjects. These documents presented for the first time comprehensive and interrelated political and economic objectives, which have since inspired the policies of the non-aligned and developing



countries. They foreshadowed the proposals on economic development advanced at the sixth and seventh special sessions of the General Assembly and at the regular sessions in 1974 and 1975, and formed the basis upon which resolutions were adopted on the Middle East and Southern Africa. The propositions that emerged from the Algiers Conference might be summarized as follows:

- a) While progress towards East-West détente is welcome, it should not amount to "a mere shifting of confrontation from one area to another". Peace is indivisible; détente will remain precarious if it does not take into consideration the interests of other countries.
- b) Henceforth, the relevant differences in the world will be increasingly economic, rather than ideological or political; they will be between the rich and the poor, the industrialized and the developing, the North and the South.
- c) International security cannot be maintained unless it includes "an economic dimension which guarantees to all countries the right to implement their development programs free from economic aggression and any other form of pressure". Non-aligned countries "should take joint action at the UN with a view to extending the organization's security system to include economic security".
- d) Except in Southern Africa, where the problem remains acute, the traditional institutional expressions of colonialism and imperialism have, for all practical purposes, been liquidated; however, neo-colonialism, in the form of "political subjection and economic domination", is as aggressive and present as ever.
- e) "Zionism" is to be associated with colonialism, neo-colonialism and imperialism. Non-aligned countries should sever, suspend or freeze "all relations with (Portugal), South Africa, Rhodesia and Israel" and denounce these regimes in "all international political, economic, cultural and social forums".
- f) More specifically, non-aligned countries should lend every assistance to the African liberation movements; the PLO is the "sole legitimate representative of the Palestinian people and of their just struggle"; member countries should take steps to boycott South Africa and Israel in all ways under Chapter VII of the Charter (which provides for sanctions).

The outcome of the Algiers Conference proved to be of greater significance to the United Nations than had at first been generally expected. The conference had identified a set of beliefs, aspirations and interests designed to distinguish non-alignment anew from both the West and the East, and to confer upon the Third World a degree of cohesion at the UN that it had never known before. These beliefs would be further strengthened by the October War in the Middle East, the actions of the Oil-Producing and -Exporting Countries (OPEC) and the subsequent transfer of huge sums of money to the oil-producers, the use of the oil weapon to extract concessions on a "new international economic order", and the beginning of the end of white dominance in Southern Africa. The traditional activities of the UN were all affected to a greater or lesser degree.



## II. MAIN FUNCTIONS

As an organization of sovereign nation states, the United Nations must rely essentially on the force of exhortation, moral suasion, international co-operation and multilateral diplomacy to achieve in practice the objectives of the Charter. Its behaviour and evolution reflect the collective behaviour and evolution of states as they are, not as we should like them to be. Its achievements have been the most enduring when states have been ready to strengthen its resources in order to give meaning to the common aspirations of humanity; its failures have been the most pronounced when states have put the pursuit of narrow national interests ahead of the goals and purposes of the Charter. A special responsibility rests in this regard on the permanent members of the Security Council, whose status is entrenched in the Charter by their right to veto its amendment.

The success the nations of the Third World have recently achieved in projecting their aspirations through the United Nations has tended to overshadow the more traditional and routine but far from insignificant activities of the UN family of organizations. Nevertheless, one cannot fairly assess the continuing value of the United Nations to the world community, and in particular to the West, without weighing the performance of these tasks in the balance along with the stresses perturbing the organization in the current phase of its evolution.

### A. Maintenance of international peace and security

The provisions of the UN Charter for the maintenance of international peace and security were based on the assumption that the great powers would co-operate to this end, if necessary by the threat or use of collective force. As everyone knows, rivalries between the great powers, especially the U.S.A. and the U.S.S.R., prevented such co-operation. Except for Korea in 1950, therefore, the UN has never been able collectively to enforce the peace. To the extent that it has managed, by peace-keeping and other methods, to contain regional conflicts, the United Nations has nevertheless contributed to the avoidance of major wars since 1945.

Peace-keeping is the interposition between the parties to a conflict with their consent of disinterested forces or observers authorized by the international community. The role of peace-keeping is to assist the parties involved to draw back from a conflict when they are prepared to recognize that this is in their interest and to provide a framework of security in which their differences can be settled by negotiation. The spectrum of peace-keeping activities ranges from an unarmed mission with a role of observation and reporting only (UNTSO, UNMOGIP, UNOGIL, UNYOM), through roles of investigation, supervision and control (UNTEA, UNIPOM), to armed military units and formations that separate the combatants and may help to bring about a return to normal



conditions (UNEF I, ONUC, UNFICYP, UNEF II, UNDOF).<sup>\*</sup> There are still five peace-keeping operations under UN control, including about 8,300 men from 23 countries. These are: UNEF II, UNDOF, UNFICYP, UNTSO and UNMOGIP.

Peace-keeping is not a sufficient objective in itself. It should normally create the conditions for the process of peace-making -- viz., the diplomatic search for solutions to the underlying causes of conflict. In this respect, the United Nations has been less successful. Disputes between India and Pakistan and in the Middle East and Cyprus have all proved sufficiently intractable over the years to thwart attempts to reach enduring political settlements. Instead they have tended to erupt into war periodically, even when the interests of the great powers would have favoured a resolution of the problem. In other instances, possible action by the United Nations has been inhibited by the unwillingness of some or all of the parties to the dispute to involve the organization --e.g., Soviet interventions in Hungary and Czechoslovakia, and the situations in Vietnam and in Lebanon (1975-76). Despite these failures, it would be wrong to blame the UN for not doing its job. To rid the world of the use of organized violence is a long-term and perhaps impossible objective, especially when the number of states is increasing and population growth-rates put great strain on finite resources. The existence of nuclear weapons is a sobering disincentive to war. But the only solid deterrent is the determination of the great powers to act jointly to prevent or stop it, as the Charter prescribes. Until then, the UN can only advance as opportunity permits, taking advantage of crises to pioneer the practices of international peace-keeping and dispute settlement.

The major UN peace-keeping operations are in the Middle East and Cyprus. The UNEF is stationed between Israeli and Egyptian forces in the Sinai and the UNDOF between Israeli and Syrian forces on the Golan heights. UNEF is composed of about 4,000 troops from six countries and UNDOF of about 1,200 troops from four countries. Their costs are paid by the UN membership on the basis of a special scale and, while a few countries have refused to pay, the great majority accept this responsibility. In Cyprus, on the other hand, the Force is financed by voluntary contributions that fall far short of reimbursing the troop-contributors, including Canada, for their expenses (there are about 2,700 troops in Cyprus from seven countries). This is because certain members of the Security Council, including the U.S.S.R. and France, make it a condition of their approval of the mandate of the Force that it be financed in this way. This is certainly not satisfactory, but the alternative is the withdrawal of the Force and the probable resumption of fighting in Cyprus.

The UN has not been able to bring about peaceful settlements of the Cyprus and Arab-Israeli disputes. The members of the Security Council are divided about the shape these settlements should take, and even if they were to agree they could not be sure of obtaining the agreement of the parties. The Secretary-General has been given a mandate in each case to explore the prospects for a peaceful settlement, but he can do little without

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\* UNTSO (United Nations Truce Supervision Organization), UNMOGIP (United Nations Military Observer Group India-Pakistan), UNEF I (United Nations Emergency Force), UNOGIL (United Nations Observer Group in Lebanon), UNOC (United Nations Operation in the Congo), UNFICYP (United Nations Force in Cyprus), UNTEA (United Nations Temporary Executive Authority in West New Guinea), UNYOM (United Nations Yemen Observer Mission), UNIPOM (United Nations India-Pakistan Observer Mission), UNEF II (United Nations Emergency Force), UNDOF (United Nations Disengagement Observer Force).



the backing of the great powers. Both disputes are brought regularly before the Security Council, either in the form of complaints that actions by one or other of the parties represent a renewed threat to peace, or because the Council must give approval to the continued operations of the three UN Forces. The General Assembly debates the situation in the Middle East annually and adopts resolutions by large majorities that are critical of Israel's policies and practices and uphold the rights of the Palestinians. These have little effect, except in the case of the 1.6 million Palestine refugees, who are largely dependent on UN relief programs for their maintenance and education. However, the PLO is recognized by the Assembly as the sole legitimate representative of the Palestinian people and has been granted the right of observer status.

In the case of the Middle East, it remains of the utmost significance that there exist two resolutions of the Security Council -- 242 and 338 -- (see Appendix A) that are accepted by both sides in the dispute as a basis for negotiation; the major difficulty in bringing about such negotiations has been disagreement about the role and status at them of the PLO.

On issues relating to Israel and the Middle East at the thirty-first session of the UN General Assembly, Canada supported ten resolutions, opposed three and abstained on five. Canada supported resolutions calling for the resumption of the United Nations conference on the Middle East with the participation of all parties concerned, reaffirming the right of displaced persons to return to homes in the occupied territories and calling upon Israel to return refugees to the camps in the Gaza Strip from which they were removed, provide adequate shelters and desist from further destruction of shelters.

Such resolutions as Canada opposed in the course of the session were irreconcilable with the Canadian viewpoint because they were seen to run contrary to the agreed basis for further Middle East talks as laid down by Security Council Resolutions 242 and 338, prejudged the future status of the occupied territories, or were unfairly critical of Israel.

The Cyprus dispute, while as intractable as the Arab-Israel dispute, has attracted less attention at the UN until recently because of its internal character. States are reluctant to involve the UN in internal disputes for obvious reasons. The invasion of Cyprus by Turkey in 1974 altered the situation and the Assembly has since adopted resolutions that call for the withdrawal of foreign armed forces and the voluntary return of refugees to their homes. Intercommunal talks under UN auspices have failed to make progress, but are continuing.

To summarize, the main functions of the United Nations in regard to peace and security are: to provide a political forum for the consideration of threats to peace and to exercise what pressures it can on the parties to disputes to negotiate their differences peacefully; to authorize, control and finance peace-keeping operations where these are appropriate and agreed upon both by the Security Council and the parties in conflict; and, in the person of the Secretary-General, to exercise good offices for the purpose of bringing the parties together and making available the means of negotiation if they are prepared to meet. The United Nations also contributes to the relief of refugees and displaced persons in areas of conflict such as the Middle East, thereby helping to maintain conditions of at least minimum well-being for people who might otherwise become the participants in or the objects of further contention and conflict.



Canada is a long-standing participant in United Nations peace-keeping operations, and its present contribution of about 1,500 military personnel to the UN is the largest of any single country. Canada contributes about 860 troops to UNEF, about 500 to UNFICYP, about 160 to UNDOF, 20 observers to UNTSO, and nine observers to UNMOGIP. The Government's continuing commitment to peace-keeping was confirmed by the decision, announced in November 1975 in connection with the Defence Structure Review, that in the period ahead up to 2,000 members of the Canadian Armed Forces would be available for peace-keeping duty, and that one of the principal continuing functions of the Canadian Armed Forces would be to participate in UN peace-keeping activities. It is true that, since 1964, when the UN Force went to Cyprus, the only new operations have been in the Middle East but, in a world of rising tensions based on social and economic disparities as well as ethnic and cultural grievances, the function of third-party observation and mediation is unlikely to be neglected. The main question is whether in each case the UN or some other body (regional organizations for example) can perform the function best.

Canada has traditionally believed that participation in UN peace-keeping operations implied an attitude of impartiality in respect of the parties to the dispute and that the degree of objectivity required to that end precluded active involvement in efforts to settle disputes. Canada has not hesitated, nevertheless, to state its views on the issues in dispute and has voted in the Assembly as it sees fit. For example, Canada abstained in 1976 on a resolution on Cyprus that failed to make any reference to the need to support and co-operate with the peace-keeping force in Cyprus (UNFICYP). Moreover, Canada has consistently argued that its peace-keeping commitments are subject to review in the light of efforts being made towards settlement of the disputes, adequate financial support, and feasible methods of operation. Canada is free to withdraw from any peace-keeping operation if, in the judgment of the Government, the operation is ineffective or imposes costs that are too great. Finally, Canada has continued to serve on the Assembly's Committee on Peace-keeping Operations, where some progress has recently been made on agreed guidelines for the authorization and control of such operations.

## **B. Disarmament**

The UN continues to be the principal forum in which to focus world attention on the need to limit and reduce the levels of military forces and armaments and for the exchange of views among member states on disarmament issues. The actual negotiation, however, of arms-control agreements intended to have universal application has been conducted since 1959 in smaller negotiating forums linked to, but not formally part of, the UN system. The current forum, the Conference of the Committee on Disarmament (CCD), has 31 members, of which eight are Western members (including Canada), eight are Soviet-bloc members, 11 are non-aligned countries and four are from Latin America. The Committee suffers a serious disadvantage from the absence of France and China -- the former has declined to occupy its seat and China is not a member.



The Committee and its predecessors have succeeded in achieving a number of specific arms-control agreements, including the Treaty on Non-Proliferation of Nuclear Weapons (1968), the Seabed Treaty (1971) and the Bacteriological Weapons Convention (1972). The non-proliferation treaty, ratified by almost 100 states, provides a considerable degree of assurance that states adhering to the treaty will not contribute to the spread of nuclear weapons, but the treaty has yet to be ratified by France and China and by a number of other states advanced in nuclear technology.

Although most countries have adhered to the Geneva Protocol of 1925 prohibiting the use of chemical weapons, a comprehensive prohibition of the manufacture and possession of chemical weapons has proved to be more difficult to achieve. The conclusion of such a convention and of a treaty to ban all nuclear-weapon tests is the CCD's chief present priority.

The Partial Test-Ban Treaty, concluded in 1963 on the basis of tripartite (Britain, the U.S.A. and the U.S.S.R.) negotiation but not yet adhered to by two nuclear-weapon states (France and China), prohibits the testing of nuclear weapons in the atmosphere, in outer space and under water but does not prohibit underground testing. The U.S.A. and the U.S.S.R. have now supplemented this partial ban by signing agreements limiting underground nuclear explosions to a ceiling of 150 kilotons both for testing purposes and for explosions designed for peaceful application -- e.g., construction of underground caverns for fuel-storage purposes.

The slowness of progress in CCD negotiations, the CCD's domination by the super-powers, and the growth of regional and bilateral arms-control negotiations with restricted participation have led to attempts both to restructure the CCD and to strengthen the role of the UN in disarmament. Changes in the membership of the CCD would have little meaning unless France and China participated, and neither has agreed to do so. The same obstacle stands in the way of proposals advanced by the U.S.S.R. and its allies for a world disarmament conference (WDC), which, it is claimed, would help to mobilize governments to give greater priority to the achievement of more far-reaching disarmament measures. A variant of this idea, which has proved more attractive to UN members and was endorsed by the UN General Assembly in 1976, is the convening of a special session of the UNGA on disarmament in 1978. France and China are both, of course, members of the Assembly. The General Assembly has also approved measures to improve UN facilities for collecting and disseminating information on disarmament and to strengthen the resources of the Secretariat in this field.

Twenty-two resolutions relating to arms-control and disarmament matters were passed at the thirty-first session, of which Canada supported 19. Resolutions on the ending of all nuclear-weapons testing and on preventing the proliferation of nuclear-weapons capability, issues of particular concern to Canada, were adopted by large majorities. The three resolutions on which Canada abstained related to the declaration of the Indian Ocean as a zone of peace, strengthening the security of non-nuclear-weapons states and a Soviet resolution on the conclusion of a treaty on the complete and general prohibition of nuclear-weapons tests. The latter ignored the role that should be played by the CCD in the negotiation of a comprehensive test ban and required that the CTB negotiation include all five nuclear-weapons states from the outset, a provision neither France nor China would accept. Canada voted for an alternative resolution co-sponsored by Australia and New Zealand, which called on the CCD to give the highest priority to the negotiation of such a treaty.



Although the political will required to achieve general and complete disarmament has been absent, the arms-control measures so far achieved have not been negligible. It can be expected that those aspects of arms control that directly affect the strategic interests of the great powers (such as limiting the development of strategic arms) will continue to be dealt with outside the UN system, but that the United Nations General Assembly and related bodies such as the CCD will pursue the negotiation of arms-control agreements in such areas as the prohibition of nuclear testing, chemical and environmental methods of warfare and the development of nuclear-weapon-free zones.

### C. Human rights and racial discrimination

Since 1948, when the Universal Declaration of Human Rights was adopted and proclaimed by the General Assembly, the United Nations has been a major international force in defining fundamental human rights and combating racism and racial discrimination. Through the UN Commission on Human Rights, a series of important international legal instruments has been created, among which the following came into force in early 1976: the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the latter's related Optional Protocol. These instruments reaffirm principles contained in the Universal Declaration, define new ideals for the attainment of other basic social rights, and establish procedures designed to promote compliance with their provisions.

After thorough consultations with the provinces, which share jurisdiction in human rights matters, Canada acceded to the two Covenants and the Optional Protocol on May 19, 1976. Besides serving as a further protection of basic human rights and fundamental freedoms for all Canadians, accession to these instruments will enable Canada to participate in establishing new international mechanisms for the protection and promotion of human rights around the world. Canada's involvement in UN human rights bodies has included recent terms on the Commission on the Status of Women and the Committee on the Elimination of All Forms of Racial Discrimination, and Canada is currently serving a three-year term on the Commission on Human Rights, to which it was elected at the fifty-eighth session of ECOSOC in 1975. A Canadian, Professor Walter S. Tarnopolsky, was recently elected to a four-year term on the Human Rights Committee established under the Covenant on Civil and Political Rights.

In its early years, the United Nations, through the Commission on Human Rights, concentrated on the important tasks of defining concepts of human rights and of elaborating international instruments. As these tasks have largely been accomplished by the many covenants and declarations that have already been prepared and adopted, the Canadian Government believes that the United Nations should now be directing its energies towards protecting recognized rights through the utilization or establishment of workable international mechanisms that would, among other things, investigate individual communications alleging violations of human rights, create special groups of enquiry, and examine periodic reports of member states of the UN.

Some progress has been achieved in establishing monitoring and investigative mechanisms, particularly through the Commission on Human Rights, the Commission on the Status of Women and the creation of committees of experts that examine periodic reports under the authority of the Covenant on Civil and Political Rights and the



Convention on the Elimination of All Forms of Racial Discrimination. The duties of the committees, however, tend to be narrowly defined, and their publicizing of violations of human rights has been uneven in impact due to the political forces at work. The procedures for investigating allegations, moreover, are time-consuming and cumbersome, and rarely yield wholly satisfactory results. Serious examinations of allegations are frequently hindered by the provision that missions of enquiry to a given country cannot be authorized without the approval of that country. For example, a working group established to report on allegations of torture in Chile was refused entry to Chile, with the result that its ability to collect evidence was seriously hampered.

In addition, the Commission on Human Rights is split by a basic division of view that prevents the fulfilment of its functions objectively and effectively. The majority of members tend to regard human rights in social or racial terms, while a minority (mainly of Western members) puts the emphasis on individual rights. Thus states in good standing with the majority tend to be protected from scrutiny of their records on political liberties, while others are subjected to constant criticism. This double standard is a matter of serious concern. Apart from its effects on the credibility of the Commission, it has delayed discussion of further international mechanisms for the enforcement of human rights standards. Obviously the Commission, and other UN human rights bodies, cannot be exempt from political disagreement. But ways of mitigating the effects of such disagreement on the procedures for investigating and conciliating complaints must be found. One way is to attack and eliminate racial discrimination where this exists.

On December 10, 1973 -- the twenty-fifth anniversary of the Universal Declaration of Human Rights -- the General Assembly proclaimed a Decade for Action to Combat Racism and Racial Discrimination. The original goals of the Decade were to promote human rights and fundamental freedoms for all without distinction of any kind on grounds of race, colour, descent, or national or ethnic origin, to discredit fallacious and mythical racist beliefs, policies and practices, and to weaken and eventually to end racist régimes. The goals were to be achieved through programs of action at the domestic and international levels.

To implement the Decade domestically, a multi-faceted co-operative program involving the federal and provincial governments was established, under the co-ordination of the Department of the Secretary of State.

Internationally, the programs of the Decade were designed to concentrate heavily on the evils of apartheid, the policy of separate racial development followed by South Africa. They included: a world conference on combating racial discrimination, to be held in 1978; the organization of research projects and seminars; the production of information materials; an international voluntary fund; and the submission to the UN of reports of national activities during the Decade.



The UNGA and the Security Council have been seized of the questions of apartheid and of the administration of the trust territory of South West Africa (now Namibia) for many years, but it was not until 1966, after the unilateral declaration of independence by Rhodesia, that the UN took concrete action. The Security Council imposed economic sanctions against Rhodesia and the UNGA terminated South Africa's mandate to administer Namibia. Neither action was accepted by South Africa, leading to proposals by African and other members that sanctions be applied to South Africa itself. These have been opposed by most Western members on the essentially pragmatic grounds that they would be very difficult to enforce and would be unlikely to lead to major changes in South Africa's policies. With the accession to independence in 1975 of the former Portuguese colonies in Africa, however, the pressure on South Africa to comply with UN resolutions has markedly increased. At the time of writing, solutions based on majority rule in Zimbabwe (Rhodesia) and in Namibia are under discussion, although the nature of continuing UN involvement with both countries is still unclear.

At UNGA XXXI, there were ten resolutions grouped under the agenda item entitled "Policies of Apartheid of the Government of South Africa", of which Canada supported four. Canada opposed two resolutions, one of which condoned the use of "armed struggle" by the people of South Africa and called for sanctions, and another that condemned Israel for collaborating with South Africa. Canada abstained on four resolutions that, inter alia, condemned normal state-to-state relations and urged all countries to break off normal trade and commercial relations.

On the question of Namibia, Canada supported six resolutions at the 1976 session that, inter alia, condemned the illegal South African administration and called for the independence of Namibia and for UN-supervised elections. Canada abstained on resolutions supporting armed struggle by the Namibian people and according observer status to SWAPO as the sole legitimate representative of the Namibian people.

In voting for resolutions concerning Southern Rhodesia at the 1976 session, Canada reaffirmed the inalienable right of the people of Zimbabwe to self-determination, freedom and independence, and supported the continuation of the boycott of the minority regime, which it had favoured in previous sessions.

The question of South Africa's racial policies is far from settled, however. The majority of UN members argue that the Security Council should declare the situation in South Africa a threat to peace and impose sanctions on South Africa, including, if necessary, the use of force. The U.S.A., Britain and France have vetoed proposals of this kind in the Security Council and the Assembly can do no more than recommend such courses of action. The situation is likely to remain at an impasse until the Government of South Africa begins to respond to the pressures for change, especially from internal sources. In the meantime, the African members, of the UN, supported by most Asian and Latin American members, are likely to continue to press Western members to sever all links with South Africa and to expel the latter from the UN.



This campaign may be increasingly tied to efforts to isolate and weaken Israel. In 1975 the Assembly adopted a resolution that declared Zionism "a form of racism and racial discrimination", a gesture clearly designed to forge a link between apartheid and Zionism. The resolution was adopted by a bare half of the membership -- 72 to 35 (including Canada), with 32 abstentions -- but it is nevertheless part of the record, to be recalled in subsequent resolutions on racial discrimination if thought desirable. The effects on Western support for the programs of the Decade have been significant. The U.S. declared it would not participate in such programs unless the original objectives of the Decade were restored. Most other Western governments, including Canada, have announced they will not participate in the 1978 World Conference on Racism if the latter continues to be defined to include Zionism, although they continue to support the 1973 resolution establishing the Decade. As the major Western members are the principal financial contributors to the UN, any withdrawal of support on their part to UN voluntary programs designed to combat racism will undermine the credibility and effectiveness of such programs.

#### **D. Economic and social development**

##### **a) Background**

The states that together drew up the Charter of the United Nations in 1945 wished to provide for economic and social progress as well as military security. To that end they agreed on Article 55 of the Charter, which assigns to the United Nations the responsibility of promoting "higher standards of living, full employment and conditions of economic and social progress and development", and on Chapter X, which establishes the Economic and Social Council.

Most of the developing countries were still political and economic appendages of the colonial powers at that time. Their subsequent membership of the UN has entailed a change in the focus of UN programs. The principle of equal benefit to all has given way to the assignment of the highest priority to the needs of the poor nations.

Despite the substantial funds that have moved primarily from the industrialized countries of the Western world to countries in Asia, Africa and Latin America in the past 25 years, many economic indicators show that income disparity between rich and poor countries has been increasing instead of narrowing. The balance of trade between the industrialized countries and the oil-importing developing countries is very heavily in the formers' favour. Although developing countries occupy two-thirds of the world's land-mass and contain over two-thirds of its population, they still account for only 7 per cent of world industrial production and 35 per cent of world food output. Official development assistance, whether bilateral or multilateral, cannot be regarded, therefore, as a solution to the underlying problem of longer-term growth, although it has helped to prevent disparities from widening more quickly. In these circumstances the developing nations argue that the transfer of resources to them should be put on a predictable basis; in other words, multilateral aid should be assessed to member states rather than remain voluntary, at least until there is some prospect of fundamental changes being made in the world's trade and payments system.



## **b) The New International Economic Order**

The expectations of the developing countries for a reordering of the international economic system under a "New International Economic Order", as well as the Canadian response to these expectations, can be summarized as follows:

### **1. Commodities**

Developing countries derive the bulk of their export earnings from primary products, many of which are subject to large and frequent fluctuations in price. This makes planning, investment and debt-management extremely uncertain. Moreover, the generally increasing cost of their imports, including manufactured goods, oil and often food, has created a situation in which the terms of trade of certain developing countries have deteriorated in the past few years, thus affecting the possibility of sustained economic growth. The developing world has, therefore, sought the implementation of schemes to ensure that their terms of trade reflect a rate of return on their exports that is not eroded by price inflation in industrialized countries--a system that would, in effect, insulate their economies from fluctuation in the world economy. At the fourth United Nations Conference on Trade and Development (UNCTAD IV) in Nairobi in May 1976, agreement was reached on a broad program for dealing with these commodity-trade problems, which included the concept of a Common Fund for the financing of commodity-price stabilization mechanisms. Consultations and negotiations for the implementation of this broad program are now in progress and Canada is participating actively in all aspects of them.

Canada's general approach to commodities issues is to support individual commodity agreements negotiated between both producers and consumers. In this context, it has supported joint financing by both producers and consumers, on a mandatory basis, of international buffer stocks established within international commodity agreements. The Canadian Government has also indicated its willingness to contribute to a Common Fund for commodity-price stabilization if it is shown to be a useful and effective instrument for stabilizing commodity prices.

### **2. Trade liberalization**

Developing countries have argued that the rapid industrial development they seek will probably be unattainable if they cannot get preferential access to the markets of the developed world. To this end, they have suggested special relief from tariff and other barriers, and assistance in export promotion. They have, in addition, called for the transfer of manpower and other resources in developed countries from labour-intensive, low-technology industries in which developing countries are competitive (such as textiles) into other areas. The result of such an adjustment in the international division of labour would be to improve market opportunities for developing country exports in the markets of developed countries.

On July 1, 1974, Canada implemented a system of tariff preferences for developing countries covering most industrial products and a number of agricultural and food products. The Tokyo Declaration of September 1, 1973, which initiated the current Multilateral Tariff Negotiations (MTN), stated that priority should be given to product areas of specific interest to developing countries and a special negotiating group was set

up to deal with tropical products. Canada has participated in the activities of this group within the Multilateral Trade Negotiations and has agreed that it will work towards the implementation of its tropical-products offer. Canada has had in place since 1967 an adjustment-assistance program to assist the restructuring of Canadian industry when this becomes necessary or desirable owing to import competition. The Canadian Government will be reviewing these programs in the light of the possible need for further measures to assist Canadian industry to adjust to the increased import competition that is expected to result from general trade liberalization in the MTN, taking into account the interests of developing countries as they relate to the longer-term evolution of the Canadian economy.

### **3. Monetary reform**

The Third World maintains that the international monetary system should not only provide the basis for economic growth, stable prices and the expansion of world trade but promote in a direct and deliberate way the transfer of real resources to developing countries. The concern of the industrialized world is that the capacity of the International Monetary Fund (IMF) to meet its primary obligation of servicing world trade should not be undermined by the assumption of major responsibilities for development.

### **4. Transfer of technology and foreign investment**

Developing countries seek access to modern technology on preferential terms and in this context have demanded a Code of Conduct for companies and governments. However, they also fear that transnational corporations (TNCs) operate less to the advantage of the host countries than to that of their parent countries and/or their own corporate supranational interest. They maintain that the domestic law of the host country should have priority over international law in the settlement of disputes resulting from the nationalization of foreign firms and seek a second Code of Conduct for TNCs along these lines. (See page 22.)

Developed countries have indicated in relation to both these concerns that technology and investment questions are principally within the domain of private enterprise, which limits the possibilities for government intervention. There is concern, moreover, that, should the normal principles of international law and practice be ignored by developing countries, these corporations will simply not invest in them. In consequence, the countries in question would lose both the investment and the technology that TNCs have to offer.

At UNCTAD IV, Canada, in company with other developed countries, supported resolutions that aimed to strengthen technological capacity in developing countries, to promote revisions beneficial to developing countries in the patents system, and to facilitate work on the development of a Voluntary Code of Conduct for the Transfer of Technology. Canada is taking an active part in current international discussions and negotiations in these areas.



## 5. Development assistance and debt

While Official Development Assistance (ODA) is no longer expected to facilitate development as dramatically as some hoped 25 years ago, it is still an important source of technology and capital. Accordingly, the Third World has asked that developed countries contribute 0.7 per cent of their annual GNP for official development assistance and to do so on the most concessional terms possible. The question of the terms on which development-assistance loans are extended has received increasing attention because many of these loans are now coming to maturity, potentially placing an additional debt-servicing burden on the already inadequate foreign-currency reserves of some developing countries. The official debt of developing countries is one of the most complex and thorny issues currently being discussed in the framework of North-South relations.

Canada stands sixth amongst donors and is one of the most generous in the terms on which official aid is disbursed. The grant equivalent of all of Canada's ODA to date has averaged 95 per cent. Canada has announced its support for an increase in the international grant-element threshold for ODA to 40 per cent. While not a major creditor, Canada has participated in both bilateral and multilateral debt-rescheduling exercises during the past decade. The amount rescheduled has totalled about \$49 million.

Clearly the negotiations required to translate these goals into practice will continue for many years. While negotiations in specific areas, such as trade, monetary affairs, the transfer of technology, or the activities of multinational corporations, may take place elsewhere, the UN General Assembly is generally charged with their co-ordination and, through its affiliated bodies, the monitoring of progress towards their achievement.

### c) UN voluntary programs

Voluntary contributions of \$1.5 billion are now received annually by the UN for its range of technical-assistance activities. The UN Development Program co-ordinates the spending of about a third of this amount, or \$451 million in 1976, of which Canada contributed almost \$30 million. On the basis of the funds made available to it, the United Nations Development Program (UNDP) establishes annual planning quotas for each developing country based upon its own national priorities. Since UNDP assistance is co-operative, the receiving governments also make contributions towards UNDP projects being undertaken in their territory, either by token payments of local expenses or through financing the major part of a project's total cost, depending on each receiving country's particular economic circumstances. As a result, the total value of the UNDP program at present approaches \$700 million annually.

This is not sufficient to meet the demand, however, and unless the major donors respond more generously pressures will mount to find the resources elsewhere, either within the Specialized Agencies or bilaterally. The central role of the program may be undermined if it is unable to maintain a budgetary rate of growth that bears some relation to the expanding needs of the developing countries. Any tendency to balkanize the system at a time when central co-ordination is more than ever required would be a retrograde step.

Although the UNDP represents the major technical-assistance effort under UN auspices, other UN voluntary programs with special purposes contribute to the improvement of economic and social conditions in developing countries. The World Food Program (WFP) provides emergency food aid and support for projects to increase agricultural production (Canada's contribution of approximately \$200 million in cash and food grains over the two-year period 1975-1976 is the largest single contribution). Canada is also a major contributor to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), United Nations Fund for Population Activities (UNFPA), and the United Nations Fund for Drug Abuse Control (UNFDAC). Canada makes annual grants to most of these programs, which have become a useful complement to our official development assistance (see Appendix B). In general, we are satisfied that these bodies effectively carry out their assigned responsibilities.

#### d) **The Specialized Agencies**

One of the major strengths of the UN system lies in the contributions made in their respective fields by the 14 Specialized Agencies. These are separate, autonomous intergovernmental organizations, each with its own deliberative and executive bodies, secretariat and budget, but linked with the UN through special agreements and the co-ordinating role of the Economic and Social Council (ECOSOC). They deal with such matters as air safety, medical standards and research, postal services and weather forecasting. If states are to co-operate to their common benefit in these ways, international organizations of a functional kind are indispensable. They represent the "infrastructure" of global politics.

The Agencies achieve their greatest success in areas where national action alone is insufficient or inadequate, as in the World Weather-Watch Program and the campaign for the eradication of smallpox by the World Health Organization (WHO). Less progress has been possible in those areas where issues related to international conflict intervene, or where domestic political systems might be threatened by the structural reform that is often a precondition of development. In the field of unlawful interference against civil aviation, for example, the International Civil Aviation Organization (ICAO)



has adopted a comprehensive manual setting out guidelines on technical aspects of safety and security. However, efforts to ensure prosecution of "terrorist" offenders have met with limited success. International Labour Organization (ILO) missions concerned with employment, or missions from the Food and Agriculture Organization (FAO) dealing with rural development, have sometimes been frustrated by domestic political interests opposed to income-redistribution policies or land reform.

The majority of member states wish to make the agencies more responsive to Third World aspirations and to use them in effect as instruments in support of Third World political, economic and social objectives. Their priorities and structures are either under challenge or in the course of change. One sign of this push to make the agencies more oriented to the aspirations of the Third World is the rapid growth in their spending, concentrated largely on matters of direct benefit to the developing world. The budgets of the agencies have been growing at an average annual rate of 20 per cent over the past five years, and this has strained the goodwill of the small group of developed states that contribute the bulk of the revenues. Under existing financial regulations, regular budgets serve to offset administrative costs and regulatory activities (such as international telecommunications and maritime trade) that are of benefit to the entire membership, and countries are "taxed" according to their ability to pay. More than 100 of the developing states are assessed a collective total of less than 10 per cent, while the nine chief industrialized countries contribute nearly three-quarters of the total budgets. Canada's assessment is about 3 per cent of the expenses of UN agencies, or about \$16 million in 1975, a sum which is small in proportion to its voluntary contributions to the UN system. Nevertheless, along with other major contributors, Canada is considering ways of checking the largely uncontrolled annual increments in agency budgets, or at the least of obtaining a larger voice in the spending of its assessed contributions.

Canada is also concerned by the parallel trend to include the expenses of technical assistance under the regular assessed budget. It has been Canada's position, and that of most other Western states, that technical assistance should be funded through voluntary contributions, thus enabling the donor countries to have some control over the levels and objects of spending. Moreover, if all the agencies reorient their priorities towards technical assistance, the attractive concept of the central co-ordination of technical-assistance programs though the UNDP will become less meaningful and the UN's development efforts may suffer.

#### e) Financial facilities

The assistance activities that are conducted under the UN aegis extend beyond the UNDP and the agencies to a number of financial institutions that are formally or informally associated with the UN system. Among these institutions are the

International Monetary Fund (IMF) and the International Bank for Reconstruction and Development (IBRD) and its affiliates the International Development Association (IDA) and the International Finance Corporation (IFC).

The work of the IMF, since its inception, has been directed to facilitating the expansion and growth of world trade and payments as a means of raising world standards of living and of fostering economic development. Among other things, the Fund is intended to promote and insure stability and order with respect to exchange-rates, as well as establish mechanisms for balance-of-payments assistance to enable member countries, irrespective of their degree of economic development, to correct temporary imbalances with a minimum of disturbance to the international monetary system. Accordingly, its assets, which amount to about \$40 billion, are available for providing short- and medium-term financing to members faced with temporary balance-of-payments difficulties. The Fund also constitutes an important source of economic counsel and technical assistance to developing countries. As of December 31, 1976, Canada's quota in the IMF amounted to Special Drawing Rights (SDR) 1.1 billion or approximately \$3.1 billion.

The IBRD and its affiliates, the IDA and the IFC, extend loans and credit to all member countries (especially developing countries) for projects that IBRD studies indicated will make an important contribution to the borrowers' economic development. The IBRD is funded essentially from the world's capital markets and it lends on competitive terms from its capital, which amounts to over \$30,000 million (\$ U.S.). Canada subscribes \$942 million, of which 10 per cent is actually held by the organization. The balance remains on call and constitutes a guarantee of IBRD obligations.

For the poorer developing countries, the key IBRD affiliate is the International Development Association. Its funds, which are lent on highly concessional terms, are generally replenished at three-year intervals. In January 1975, the fourth replenishment, for use in the biennium 1975-76, committed funds of about \$4.5 billion, of which the Canadian contribution was \$276 million, 6.1 per cent of the total.

The International Finance Corporation and the regional development banks and funds in Asia, Latin America and Africa, to which Canada is a direct contributor, also play an important role in development, with annual loan commitments of \$2 billion.



While commercial lending to developing countries has expanded considerably in recent years, it is often not available to developing countries under conditions that meet their development priorities. The multilateral machinery for loans to developing countries therefore remains of enormous importance to the development process. In 1975 the loan commitments of the international lending institutions totalled \$8.3 billion, which is approximately seven times the development assistance that flowed through the UN and the Specialized Agencies.

**f) Need for better co-ordination**

The "proliferation" of new UN agencies in recent years and the rapid growth in spending have led to problems of co-ordinating development efforts and establishing priorities both within the UN itself and at the national level. The developed countries, which underwrite 80-85 per cent of the expenses of the various UN agencies, have begun to question the continued expansion of agency spending in excess of world economic growth, as well as the value of certain UN activities and policies. Partly in response to this concern, efforts are under way to revitalize the work of the ECOSOC, which is responsible for co-ordinating the programs of some 167 subsidiary bodies, including the Specialized Agencies. Canada supports the view that ECOSOC should be more active in the establishment of global policies and priorities to which the various agencies could then correlate their activities.

The developed and developing countries have different objectives in this respect. The developed countries are anxious to increase co-ordination within the UN system, so as to make it more efficient in the carrying out of its traditional functions. For the developing world, however, the primary intention has been to ensure a greater responsiveness of the system to their perceived needs, as spelled out in the concept of the new international economic order, and a greater flow of resources through the UN for development activities. Whether structural change will accomplish either of these objectives is uncertain. There is a risk of changing those parts of the system that already function efficiently. Moreover, many of the shortcomings in the system result as much from a lack of political will to make it succeed as from structural deficiencies themselves.

Nevertheless, improvements in organization and methods of operation can undoubtedly be made. In addition to strengthening the central role of the ECOSOC by, for example, more frequent meetings and a more structured agenda, the General Assembly might reform its procedures to give more focus to issues of economic and social development. Secretariat units and intergovernmental bodies that administer development-assistance programs might be merged, although some, such as UNICEF or the World Food Program, would not fit readily into a single structure. Such a change would allow a more efficient planning and disbursement of resources and enhance the capacity of the UN system to implement technical assistance. There might follow a single pledging conference, and the creation of mechanisms for a system-wide evaluation, procurement and country programming.

## **E. Development of international law**

The new concerns of the majority of UN members have inevitably had a significant impact upon the UN's role in developing and codifying international law. While the immediate impact has, in some important areas, been disruptive of traditional international law, this may well be only the birth pains of a new body of international law more responsive to the needs and interests of the international community as a whole.

It is clear from recent General Assembly debates that the climate has been unfavourable to the development of international law in certain areas. Where a majority of members are preoccupied with political disputes it may be difficult to sustain the balanced, long-range approach necessary for the development of rules that are viable and broadly acceptable. The outcome of debate on several lawmaking efforts has reflected political perceptions inherent in the Arab-Israeli conflict and Southern African problems.

The General Assembly reached agreement in 1974 on a definition of aggression, after 50 years of intermittent discussion by international lawyers under the League of Nations and later under the UN. However, the definition was adopted only at the cost of dilutions and ambiguities that pose questions for international lawyers of the future and may impair the usefulness of the agreed definition in influencing and restraining state behaviour. Similarly discussions in the General Assembly on international terrorism have revealed widely-divergent views between member states about the manner in which the fabric of international law might be strengthened in this field. There is considerable doubt as to whether any effective international measures against terrorist acts can find general support in the UN today, given the importance attached by many members to the Palestine Liberation Organization and to African liberation movements.

Recent developments at the United Nations may, however, point to a greater willingness of member states to come to grips with the issue of international terrorism, if not in general terms at least in relation to specific categories of international crimes considered to be particularly repugnant.

First, as a result of a West German initiative at the thirty-first session of the General Assembly, a UN committee has been established to draft an international convention against the taking of hostages.

A second development is the reactivation of the Ad Hoc Committee on International Terrorism, which met only once in 1973 and was unable to reach agreement on any effective international measures against terrorist acts. As the terms of reference of the reactivated committee are virtually identical to those of the abortive 1973 committee, there is some doubt as to whether this committee, of which Canada is a



member, can achieve progress. The prospects for the hostage-taking committee appear, however, somewhat more hopeful since (a) its mandate is more focused than that of the Committee on International Terrorism and (b) there are indications that African and Arab states may be prepared to support international measures in respect of this kind of terrorist activity.

The nature of the results achieved by these two committees will, in the longer term, help to provide an indication of future prospects for strengthening international legal measures against terrorism within a UN context.

The debates over several years on various proposals for strengthening the role of the International Court of Justice and of other mechanisms for peaceful settlement of disputes similarly have revealed widespread caution, particularly on the part of developing states, which perceive the Court and much of the traditional corpus of international law as being too status-quo oriented. The opinion has sometimes been expressed that the Court tends to view the world "through a rear-view mirror". While an objective assessment of the Court's judgments in past years would not support such a sweeping criticism, it is a fact of international life that states have resisted efforts to broaden acceptance of the compulsory jurisdiction of the Court and have shown great reluctance to refer their disputes to it.

Nevertheless, in many areas the UN has played a dynamic and innovative role in contributing to a stable world order through the progressive development of international law. This role has been most evident where states have come to recognize a growing sense of interdependence -- for example, on the need for rational management and conservation of the earth's resources and on the development of an international economic system leading to a more equitable distribution of those resources.

The UN Conference on the Law of the Sea has been working out a new legal regime governing man's use of the oceans, designed to be practical, equitable and responsive to current needs and realities. The range and complexity of the issues at stake are probably unprecedented and a successful outcome is by no means assured, despite general recognition that full account should be taken of the aspirations of the developing countries to benefit from the resources of the oceans.

A significant aspect of the Law of the Sea Conference has been the important role played in the negotiating process by a number of special-interest groups that, reflecting the variety of interests at play, differ from traditional political, geographic or economic alliances. For example, on issues relating to preservation of the marine environment, the "coastal-state group", which includes both developing and developed countries such as Canada, has taken positions at odds with positions advanced by the "major maritime powers". On many issues, the developing countries have taken a common stand, while on others there have been differences between those developing countries that are coastal states and those that are "landlocked" or "geographically-disadvantaged".

The extent to which vital national interests are involved, and the difficulty of gauging support on the many interrelated issues, have led to the realization that, to be effective, a treaty must command not just majority support but broad general support. As a result, the conference rules of procedure provide for voting only as a last resort. The conference is trying to piece together a "package" so that a consensus can be reached on the treaty as a whole. Although it is unlikely that any one country will be satisfied on all issues, it is hoped that by mid-1977 solutions will have been reached on the most important issues still confronting the conference. The conference has already achieved broad agreement on revolutionary new legal concepts such as the 200-mile "economic zone", in which the coastal state will exercise specific types of jurisdiction, and the "common heritage of mankind", applicable to the international seabed area beyond national jurisdiction. These concepts, which lay down duties to go hand-in-hand with new rights and are based on principles of equity rather than power, will form the basis of the new constitution of the seas. Even while the negotiations continue, emerging principles of international law have gained wide acceptance and have been translated into state practice. For example, Canada and a number of other countries have recently taken action to assert exclusive fisheries jurisdiction to 200 miles on the basis of concepts developed in the conference. Whether or not the international community is successful in the near future in completing the negotiations, it is clear that the law of the sea will never return to the unsatisfactory state it was in before 1967, when the United Nations launched the precursor of the third UN Law of the Sea Conference.

The progressive development of the law of outer space is another area in which the UN has played a major role, primarily through its Committee on the Peaceful Uses of Outer Space. This committee, of which Canada is a member, has successfully drafted four international conventions on outer space relating to the legal principles that will govern the use of outer space: the rescue and return of astronauts and the return of space objects; international liability for damage caused by space objects; and the registration of objects launched into outer space. That agreement has been possible on such a wide range of issues is largely due to the growing sense of interdependence among states and a realization of common concerns that the UN has helped to foster. The committee has now turned its attention to three priority subjects: a draft treaty concerning the moon; the legal implications of "remote-sensing" of the earth from space; and the elaboration of principles to govern direct broadcasting by satellites. With respect to the draft moon treaty, there has been little progress, primarily because there has been no agreement as yet on a régime for exploitation of the moon's resources. There continue to be basic differences between those countries that believe the resources of the moon should be treated as the "common heritage of mankind" and those that do not wish to place undue international legal restrictions on research and unforeseen future prospects for exploitation of the moon's resources.



While considerable progress has been made in the elaboration of legal principles to govern remote-sensing of the earth from space, there is still disagreement on the legal rights, if any, a "sensed" state should possess to protect itself from acquisition and release of information acquired by a "sensing" state that could be detrimental to the interests of the sensed state.

There has also been considerable progress in developing principles to govern direct television broadcasting from satellites. This year, the Legal Sub-Committee of the UN Committee on the Peaceful Uses of Outer Space will seek to reach agreement on the outstanding issues of consent to such broadcasts, as well as on issues respecting consultations and participation. If these issues can be satisfactorily resolved, it should prove possible to draft an agreement containing a full set of principles respecting direct broadcasting from satellites.

The shift in focus at the UN towards North-South development issues has also made itself felt in UN lawmaking activities. Negotiation of the Declaration of the Sixth Special General Assembly and, shortly thereafter, of the Charter of Economic Rights and Duties of States, disclosed a sharp divergence of view between developed and developing countries on the law relevant to sovereignty over natural resources, control of multinational enterprises and compensation for nationalized property, all issues touching directly upon the treatment of foreign investment.

The transfer of capital and technology to developing countries, which is an important UN objective, will require large amounts of foreign investment in developing countries by developed-country investors. The legal regime governing both the treatment and conduct of this investment must therefore be one of the cornerstones of any future international economic structure. (See page 13.)

The fundamental differences that were disclosed in the negotiation of the Declaration and Economic Charter in 1974 called into question the very existence of customary international law applicable to the treatment of foreign investment. In the subsequent two years, however, this rather sterile doctrinaire stand-off has been followed by evidence, at the seventh special session, the Conference on International Economic Co-operation and elsewhere, of a willingness to achieve economic development objectives by seeking practical solutions to problems rather than by debating doctrine (which may nevertheless continue to be firmly held).

The need for foreign investment to achieve economic development is obvious. That this investment will not take place without the security offered by an agreed set of basic "ground-rules" is equally obvious. The 1974 Declaration and Charter experience suggests that at this stage the evolution of modern international law of foreign investment or development may have to depend upon bilateral state practice in the form of investment agreements and the methods, both procedural and substantive, for resolving investment disputes. But events move quickly. Increasing awareness by developing countries of the need for access to foreign capital markets, and awareness by capital of the need to conform and contribute to host-government development objectives, may be expected to generate the political will necessary to achieve

agreement on the "ground-rules". As this process occurs, the potential for successful multilateral negotiation of a legal regime for foreign investment will increase significantly and it may then become possible to resolve the difficult issues of international law that defied resolution in 1974.

Canada's demonstrated support for the objectives of the UN's present efforts to deal with world economic disparity, as well as its ongoing experience in the regulation of foreign investment, should enable it to contribute to the development of new international law to meet the demands of the world community for greater social justice.

Other areas of international law are clearly ripe for further development. For the future, it will be increasingly important to be selective in seeking out opportunities to build upon past achievement, and to choose subjects for development or codification where there is likely to be common ground for all of the major interest groups that make up the UN membership. A selective approach would, of course, recognize the importance of the UN forum for dealing with problems of a global character, as well as alternative means of international co-operation between regional or like-minded states. The increasing attention given to political and doctrinal disputes within the UN and the frustration of hopes for the compulsory adjudicatory process should not be allowed to cloud the widespread recognition amongst states of the importance of the lawmaking process and the expanding prospects for its further development. Creation of international law, whether customary or conventional, is of necessity complex and laborious and at times painfully slow, but the United Nations has, where common interests are identified, proved remarkably adept in developing and codifying in a progressive manner most of the known legal standards of our day.

## **F. Conference diplomacy**

As the membership of the United Nations approaches universality and its responsibilities widen to include practically all fields of human endeavour, special conferences on subject matters of universal concern but requiring expert knowledge have become a feature of UN operations. Growing awareness since about 1970 that continuing high rates of population increase and of economic growth impose costs that could become unacceptable in a world of limited resources has acted as a spur. Examples are the Conference on the Environment at Stockholm in 1972, the World Population Conference at Bucharest in 1973, the World Food Conference at Rome in 1974, the Law of the Sea Conference at Caracas, Geneva and New York from 1974-77, the International Women's Year Conference at Mexico in 1975, the Habitat Conference on Human Settlements in Vancouver and the World Employment Conference in Geneva in 1976. The United Nations International Water Conference took place in Argentina in March 1977 and conferences on racism and racial discrimination and on science and technology will be held in 1978 and 1979 respectively. The sixth and the seventh special sessions of the General Assembly were devoted essentially to development and economic co-operation, and the General Assembly will hold a special session on disarmament in 1978.



As a result of such meetings the UN is accumulating new agencies and programs at a rate that strains the capacity of governments to service them and of the public to understand them. Moreover, the distinction between "technical" and "political" tends to dissolve when the issues at stake are as much the distribution of the benefits of technical progress as of the nature of technology itself.

Nevertheless, a major benefit of the kind of multilateral exchange and conference diplomacy conducted by the United Nations has been mutual political education and the growth of related networks of functional expertise. Representatives from diverse continents, civilizations, cultures and states of development have come to know, understand and appreciate each other better. Modern communications keep these contacts and exchanges alive in between meetings. Newly-independent countries with few diplomatic missions abroad have enjoyed, through their membership in the United Nations, a much wider spectrum of foreign interests and contacts, knowledge and understanding than would have been the case if their foreign-policy preoccupations had been restricted to their immediate neighbours and daily problems. The consciousness of belonging to one world has rapidly gained in the process, and the proud but often excessive nationalism of many members can sometimes be seen to erode in the wash of this continuing United Nations dialogue.

Yet it would be naive to expect that the evidence of interdependence is accepted by all states as evidence of progress. For the new states the key concepts are justice and equality rather than interdependence. Unless the last-mentioned helps to bring about better prospects for social justice and economic opportunity, most members of the UN will ask whether it is simply a Western slogan designed to hide unequal relationships. While a universal system for the promotion of peaceful change and common standards, such as that offered by the United Nations, is bound to remain a desirable goal for most governments, it will not become a reality unless the system generates real, if not equal, benefits for all.

## G. Finances

The budget of the UN covers a two-year period, and the level of expenditures approved for 1976-77 totals \$737 million (versus \$19 million in 1946). If the Specialized Agencies (minus the financial institutions) and the International Atomic Energy Agency (IAEA) are included, a further \$986 million must be added to the total. In 1976 Canada paid about \$26 million in assessments to the various UN organizations. A further \$1.5 billion was received by the UN in voluntary contributions, of which Canada provided about \$313 million in cash and commodities. (See Chapter II D, "Economic and Social Development", and Appendix B.)

The costs of running the United Nations and its system of agencies are borne by member states. Expenses are apportioned among countries according to their capacity to pay. The United States pays the maximum amount allowed -- 25 per cent (\$92 million in 1976) -- while close to half the membership, chiefly from the developing countries, pays the minimum of .02 per cent (\$60,000 in 1976). Collectively the

developing countries (excluding China) are assessed about 9 per cent of the UN budget. Canada falls in between, with 2.96 per cent (\$10 million in 1976), and is considered a major contributor, ranking ninth in the total membership.\*

Payment of assessments represents a form of international "taxation", and is a legal obligation of membership. Canada has always met this obligation regardless of whether it agreed with all of the activities approved by the General Assembly. It is not feasible to enforce sanctions against those states that do not pay their full assessment, but if a state falls two years behind in its payments it may lose its right to vote in most UN organizations.

Some countries as a matter of principle have refused to pay their share of expenses in respect of activities they oppose. In 1964-65, as a result of massive expenditures for peace-keeping in the Middle East (UNEF I) and the Congo (ONUC) and the refusal of countries from Eastern Europe to support these operations because of their interpretation that they had been improperly authorized under the Charter, the UN was on the brink of defaulting on its obligations. To avoid a possibly destructive confrontation, it was decided not to invoke the loss of vote in this instance. Instead, to offset the debt, bonds were issued and some \$87 million still remains to be paid to those states, including Canada, which purchased the bonds. Most of the countries (except France and Albania) that did not support the General Assembly's peace-keeping activities also refuse to pay their portion of the UN budget that now goes to reimburse bondholders. Although UNEF II was established by the Security Council, China, Albania, Libya, Iraq and Syria have refused to pay their share of expenses because of political objections to the presence of the Force.

As a result of the withholding "on principle" that continues today, the short-term debt of the UN surpasses \$43 million. Further sums are outstanding to countries such as Canada, which provide troops for peace-keeping in the Middle East and must wait for long periods to be reimbursed for expenses. The UN's financial authorities are obliged to draw upon any available reserves or to borrow money to meet the organization's expenses. Eventually the debt burden will lead to a curtailment of activities, and negotiations are continuing to find a politically-acceptable solution to the problem of withholding.

UN expenditures can be broken down in several ways. By sector, there are, inter alia, programs of activity in agriculture, general economic and social-policy planning, health, human rights, natural resources, and science and technology. Another major expense is servicing the policy-making organs of the UN (General Assembly, Security Council, ECOSOC, etc.), which requires \$61 million annually for conference facilities, translation and documentation. Publications and general headquarters expenses also absorb large amounts.

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\* The UN scale of assessments is used by most of the Specialized Agencies with slight adjustments for differences in membership, although some (ICAO, the Intergovernmental Maritime Consultative Organization (IMCO)) also take into account statistics related to national activity in their respective sectors, and others have retained their traditional method whereby each state selects the range of budget units it will pay (the International Telecommunications Union (ITU), the Universal Postal Union (UPU) ).



It has been estimated that fully 75 per cent of the assessments in the UN go towards salaries of secretariat officials. The UN system employs a staff of 40,000 from 140 countries posted at 700 duty stations. Each country has a desirable quota of positions for its nationals, based primarily on its level of contribution, although the quotas have no legal status and positions are open to any qualified candidate. Canada is currently within its desirable range. The developing countries are eager to place nationals from their regions in high secretariat positions to increase their influence in the running of the UN. The developed countries believe that since they provide most of the organization's resources they should continue to have a higher secretariat representation, and that standards of efficiency, competence and integrity should be the paramount consideration in recruitment.

This division in the membership is symptomatic of the larger problem of controlling the UN's expenditures, which have increased by almost 20 per cent annually since 1974. The developing countries want to increase the spending of the UN, particularly in sectors such as technical assistance, while the major contributors, feeling the pinch of austerity, are not inclined to pay continually larger amounts into the UN, especially when they do not have control either individually or as a group over the level of their contributions. Some believe that too many low-priority programs with unrealistic targets continue to absorb a disproportionate amount of the UN's regular budget. Further rapid growth in these expenditures could lead some of the major contributors to reduce their assessed contributions, although such a development would be a setback to the principle of collective responsibility of the membership, and a threat to the viability of the UN as an institution.

### III. Rules and procedures

At the time of its conception and establishment the United Nations represented, as an institution, the generally-accepted realities of power in 1945. The five "great powers" that emerged victorious from the war were granted the status of permanent members of the Security Council and the right of veto. The rest were to be regarded as more or less equal, with one vote each in the Assembly and the right to stand every two years (but not consecutively) for election to one of the six non-permanent seats on the Security Council. Universality of membership of the United Nations, which was the inevitable consequence of decolonization, was only vaguely perceived at San Francisco.

These realities have changed in the last three decades. Expansion of the membership from 51 to almost 150 states has led to the enlargement of the Security and the Economic and Social Councils and to a fixed pattern of representation on them from various regions, reflecting the new realities of African and Asian nationalism. Some states, such as Japan and Brazil, have assumed the status of quasi-permanent members of the Security Council through frequent re-election. But as economic and social issues have come to dominate the UN agenda, new forms of organization (such as UNCTAD) and

special conferences of the kind already discussed have focused attention on the need to adapt further the traditional UN structures so as to permit greater participation by the new members. They, in turn, quite naturally look for ways of adjusting the rules of procedure of the Assembly and of the Councils, and of reforming the Charter, to their own advantage. The older, mostly Western members, understandably, tend to resist such changes. Somehow the UN must find a new point of equilibrium which will satisfy the double criteria of participatory democracy and proportional responsibility.

#### A. Membership and participation

The Charter specifies that membership in the United Nations "is open to all peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations". Over the years this concept has gradually evolved to mean that all states have a right to membership, although applications for membership are still subject to the veto and some states, eg. the two Koreas, have failed to overcome political obstacles to membership.

There is one outstanding exception to this trend -- South Africa. An attempt to expel South Africa failed in 1974, although its delegation was prevented from attending the Assembly through a procedural manoeuvre. If it were not that expulsion, like admission, is a joint prerogative of the Security Council and the General Assembly, South Africa would no longer be a member, and Israel's membership might also be in danger.

Canada, along with other Western members, opposes the expulsion of South Africa. It takes the view that, despite the provisions of Article 6 of the Charter\*, the expulsion of a member state would create a grave precedent, which would certainly be turned to the disadvantage of others no matter how heinous the original offence might seem. Many states, at one time or another, have violated the principles of the Charter. Where is the line to be drawn? Moreover, it is not certain that the isolation of an offending member will lead it to repentance. The risk of isolation is defiance. Continued membership, on the other hand, brings with it the responsibilities of participation and the obligations of the Charter.

The majority of member states reject these arguments. They maintain that South Africa has persistently violated the principles of the Charter in regard to human rights, despite the clearly-expressed will of the UN, and, having flouted its responsibility to administer the trust territory of Namibia in accordance with these principles, has since obstructed the decisions of the General Assembly and the Security Council to place Namibia under UN control. It has refused to acknowledge innumerable UN resolutions with respect to apartheid or to accept decisions of the Security Council imposing

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\* A member of the United Nations that has persistently violated the Charter may be expelled from the organization by the General Assembly upon the recommendation of the Security Council.



sanctions on Rhodesia. Moreover, they claim, South Africa pretends to exercise its membership on the basis of a political system that excludes the majority of its citizens from participation in national and international life. In such circumstances, expulsion cannot be in conflict with the broad objectives of universality.

The upshot of the debate has been stalemate. The Security Council has refused to approve resolutions calling for South Africa's expulsion, but the General Assembly has effectively suspended South Africa's participation in that body by rejecting the credentials of its delegation, and South Africa has lost its membership in most of the Specialized Agencies, where the writ of the Security Council does not run.

To argue in favour of the principle of universal membership implies a willingness to accept the obligations of membership, including a responsible measure of participation, even when UN decisions appear to be biased or irregular. With rare exceptions, resolutions of the General Assembly do not create formal legal obligations for states and they are not obliged to support activities associated with them, but resolutions adopted by large majorities carry a certain moral weight and will usually deserve serious consideration by members that may have objected to certain aspects of them, especially if negotiations in good faith have preceded their adoption. In the case of the Specialized Agencies, the adoption of politically-biased decisions may legitimately lead to protest, such as refusal to participate in the activities at issue, but the withholding of assessed contributions on this account, as certain Western members of UNESCO have done, is disturbing. Distortion of the rules of procedure and of democratic debate in order to gain propaganda voting victories on issues of universal concern understandably provokes angry and bitter reaction, but no state or group of states is likely to gain by the curtailment or dissolution of the specialized activities of the UN.

## B. "Politicization"

The impression has grown in the last few years that the UN system is overly "politicized". This is a serious matter, for much of the most useful work of the United Nations is devoted to subjects that are not political by nature even though the United Nations itself is a highly political organization.

Political discussion is nothing new to the UN family of organizations. One of the primary purposes of the UN system is, after all, to provide a forum for international political debate. Furthermore, "political" issues are, in many instances, the legitimate concern of Specialized Agencies and conferences. Membership questions, for example, and resolutions concerning observer status, are the responsibility of each agency, as are items referred to them by the General Assembly, such as the participation of an assistance to "national liberation movements". Nor can it be concluded that the basic nature and programs of the Specialized Agencies and technical conferences have been altered, although there is danger of this happening in UNESCO and the ILO.

What is relatively new is the amount of time that the assemblies and governing bodies of the Specialized Agencies and the technical conferences devote to political issues. The type of political debate normally associated with the General Assembly and the Security Council threatens increasingly to dominate the agendas of technical meetings and to undermine their capacity to deal seriously with substantive issues. To use the Specialized Agencies as political sounding-boards may be irritating but is essentially harmless; to attempt to use them as political instruments to achieve objectives extraneous to the traditional competence of the agencies and the declared purposes of the conferences could in the long run destroy the usefulness of the technical side of the UN system. The conclusion arrived at by some observers in 1974-75 was that political differences between the industrialized countries and the developing countries, especially over Middle East issues, could indeed endanger the whole UN system. The U.S.A., French and Swiss decisions to suspend or reduce their shares of the regular budget of UNESCO in protest against anti-Israel actions was symbolic of this mood.

During the latter half of 1975 and into 1976, however, it was becoming apparent that, even though the rhetoric of political confrontation is sometimes in evidence at technical meetings, the level of substantive disruption is relatively low. Member states are unwilling to sacrifice their national interests for debating victories. Given the great diversity of national interests, action based on resolutions sponsored by the majority and opposed by the minority is usually difficult to organize or takes place on issues of peripheral interest to a large number of supporting states. At the UN Law of the Sea Conference, for example, the vast majority of participants interpret their national interests without reference to traditional alignments or popular rhetoric.

This is not to argue that "politicization" is a minor problem that will soon disappear. Conferences on special subjects may continue to be disrupted by issues arising out of the conflict in the Middle East or racial discrimination in South Africa as long as these situations endure. Human rights will not soon be honoured in all states. At the same time pressure for radical change is increasing in the field of international economic co-operation and is most unlikely to abate. The implementation of the "New International Economic Order" throughout the UN system therefore presents a major challenge for the future. Those who advocate revolutionary change both in international relations and in the UN itself are likely to prevail over more moderate elements unless the North-South dialogue achieves substantive results.

### **C. Voting procedures: the use of abstention**

In the one-nation-one-vote General Assembly -- where states with populations of medium-sized Canadian cities have the same numerical voting strength as the Soviet Union, the United States or China -- some votes can be considered simply as non-binding polls of world opinion, or of the world's governments. The effective "moral authority" or international political influence of a General Assembly vote may vary greatly; if there is significant opposition to a resolution although it has carried numerically, or if there is a



high degree of abstention, the resolution's effective impact will be sharply reduced, whereas, if a resolution registers a true consensus, or is adopted by acclamation, it can have a much greater importance.

Votes on General Assembly resolutions, so long as they achieve the required majority and regardless of the degree of opposition or abstention, have specific and concrete consequences when they deal with such matters as status (e.g., admission of the PLO to observer status or refusal of South African credentials), membership (on recommendation of the Security Council), procedures (e.g. establishment of committees to investigate human rights in Chile), and administrative and financial questions.

In judging Canada's position by the vote it casts on a given issue, it is important to understand certain features of voting procedure in the United Nations. Before a resolution is brought to a vote, its proponents may explore the possibility of approving it by consensus or acclamation. This avoids a divided and recorded vote and enhances the role of conciliation and moderation as an effective method of pursuing the United Nations dialogue. A consensus, or approval of a proposition by acclamation, implies that informal negotiation has taken place and has been productive; it permits the concerns of the majority to be met without creating undue acrimony as a corollary -- i.e., if the resolution had been put to the vote, it might have attracted abstentions or negative votes. This fruitful and important procedure has succeeded much more frequently than one might think. From 1972 to 1976, 468 out of a total of 966 (i.e., 48.5 per cent) of General Assembly resolutions have been adopted in this way.

The rules of procedure in all United Nations bodies provide not two but three voting options -- to vote in favour, to vote against, or to abstain. Abstention is a decision to decline to vote either in complete support of, or in unqualified opposition to, a proposal.

UN voting procedures and machinery always provide for these three options to be both exercised and recorded. For example, the rules of procedure of the General Assembly stipulate that certain questions shall be decided by a simple or a two-thirds majority (as the case may be) of the "members present and voting". The phrase "members present and voting" is defined as members casting either an affirmative or a negative vote; therefore, those members that abstain from voting are technically considered as not voting (Rule 86). Thus an abstention, i.e. not voting, changes the arithmetic of a voting situation; it reduces the number of votes necessary to obtain the required majority to adopt or defeat a proposal.

For a political resolution to carry weight, it must be adopted by a majority of member states from each regional group. A resolution carried by a large majority but lacking the support of a regional group will usually be ineffective. A confrontation over such resolutions may be avoided by the use of abstention, which signals a willingness to negotiate further if the majority so desires.

Some situations that may lead to an abstention may be described as follows:

- a) support for the general thrust of a resolution, but with significant objections to certain of its provisions (for example, the resolution at the twenty-ninth session to establish a "Charter of Economic Rights and Duties of States");
- b) concern by the abstaining nation to preserve impartiality in a dispute involving third parties since it does not wish, because of its obligations as peace-keeper or eventual role as mediator, to appear to be favouring one side or the other (for example, a number of resolutions on the Cyprus, Middle East and India-Pakistan questions);
- c) concern that the adoption of a proposal, whose general objectives might otherwise be acceptable, may prejudice future negotiations by influencing the terms of reference, or predetermining the status of the parties, or prejudging which parties are to participate, or other similar factors (for example, Canada has abstained on a number of resolutions concerning the Palestine Liberation Organization on the grounds that it does not wish to prejudice whether the PLO is the "sole" or "only legitimate" representative of the Palestinians);
- d) dissatisfaction with unrealistic elements in an otherwise well-meaning proposal, which may have prevented a more acceptable resolution from coming forward (for example, during the Suez crisis in 1956 Canada abstained on the U.S. cease-fire proposal because it contained no provision for implementation such as a peace-keeping force).

The use of an abstention is not confined to a few countries, or to countries of a certain geographical or ideological group. It is very rare in the General Assembly for a vote to be taken without some abstentions, and the number can have a marked bearing on the significance and impact of the vote. In the event that Canada decides to abstain, consideration may be given to the number, status and affiliations of other countries that may also be intending to abstain, i.e. "the company on keeps". Members are normally entitled to make statements explaining their vote, either before or after the vote is taken. Canada gives very careful consideration to such explanations of vote, including as appropriate the reasons that have caused it to abstain. These explanations form part of the official record and often have a political impact greater than the numerical tally of the vote.

Misunderstanding in Canada about abstention appears to be based on the belief that it reflects a refusal to "stand up and be counted", either because the Government has no policy on the issues at hand or prefers not to reveal its policy. This is not a correct assumption. For Canada, an abstention is a conscious, active and positive decision, taken for one of the reasons outlined above; it is not the result of indifference or indecisiveness.

The table in Appendix C shows that Canada abstained on about one-fifth of the resolutions adopted at the regular sessions of the General Assembly in 1972 and 1973, and on about one-sixth of the resolutions adopted in 1974 and in 1975. At UNGA XXXI



Canada abstained on about one-seventh of the resolutions adopted. This is not a high rate of abstention compared with the voting records of other countries from the Western group. In this context it should be remembered, however, that Western states are now a small minority of the total membership of the General Assembly; they often face the choice of opposing resolutions favoured by the majority or of abstaining on them. Abstention is often an acknowledgement that positive but not yet satisfactory progress towards consensus has been made, as well as an encouragement to persevere on that road.

#### **D. Majority and minority: the Charter system**

Third World countries are concerned about the privileged status enjoyed in the UN by the traditional major powers, four out of five of which are industrialized countries. Collective action in the General Assembly is one of the few ways open to them to press for reform of the international political and economic system, even though the Assembly lacks the power of the Security Council. They do not always vote the same way on major issues, but they have gradually developed a system of regional consultation and voting that, on matters of joint concern such as trade preferences and the terms of aid, they have extended to include more than 100 countries.

It is sometimes said that the majority of United Nations members exercise a "tyranny" over the minority in the General Assembly by abusing their numerical strength, disregarding in the process the Charter, the prerogatives of the Security Council, and the rules of procedure of the General Assembly. Spokesmen for the majority have pointed out in reply that Western states had themselves constituted the majority of earlier years and, as authors of the Charter and rules of procedure of both the Security Council and the General Assembly, had not hesitated to advance their own ends. These are understandable reactions. In fact, however, on many issues before recent sessions of the General Assembly (Cyprus, Korea, the Spanish Sahara, the numerous decolonization and disarmament proposals, etc.), national and regional considerations rather than any mechanical majority on the whole determined the final voting alignments and, as we have seen, almost 50 per cent of UN resolutions are adopted by consensus. The "tyranny of the majority" may be a striking metaphor, but in the complex and rapidly-evolving political context of the United Nations it cannot be accepted at face value.

The general conferences of the Specialized Agencies provide the same opportunities to the Third World for initiative and majority support as the General Assembly, but this is not true of their executive bodies, where the major industrial countries have maintained a significant influence under various customary or constitutional arrangements. Apart from the provisions for weighted voting, which protect their interests in the IBRD and the IMF and in subordinate international financial institutions, they effectively possess a collective veto in the ILO as members of the ten states of chief industrial importance; they are assured of quasi-permanent membership in the executive bodies of such technical agencies as ICAO, the IMCO, and the IAEA by

virtue of their importance as providers of services or facilities in these fields, while, by custom, their status as permanent members of the Security Council and developed countries has given them easy access to the executive bodies of most of the other Specialized Agencies. Some of these traditional arrangements are now under attack from developing countries, especially in the ILO.

The permanent members of the Security Council, with the possible exception of China, are determined to maintain their special position, i.e. their veto power. Both the United States and the Soviet Union regard it as essential that the leading roles they play in world affairs should continue to be reflected in the UN Charter and structure. Britain and France, as the repositories within the world organization of the power, tradition and influence of Western Europe, are no less concerned than the other permanent members about retaining their privileged status on the Security Council.

The ten non-permanent members of the Security Council are elected on the following geographical basis: five from Asian and African states, two from Latin American states, two from "Western European and other states" (WEO) (the group to which Canada belongs for election purposes), and one from Eastern European states. Thus two-thirds of the non-permanent members at any one time represent Third World interests. They contribute actively to the Council's deliberations on a wide range of subjects, often drafting and presenting the resolutions that form the basis of the Council's decisions or recommendations. They cannot be very impressed, however, by the argument sometimes advanced by one or other of the permanent members that the non-permanent members enjoy a "collective veto" because resolutions of the Security Council require nine affirmative votes. In practice, the so-called collective veto of the non-permanent members has never been applied and could be invoked only against a decision of the Security Council that would be advocated by the five permanent members alone, a situation most unlikely to arise.

Many of the newer members of the UN, and some of the original members, regard the provisions of the Charter on permanent membership of the Security Council as outdated and have pressed for revision. Both the composition and the responsibilities of the Council, as well as the veto power, have come under scrutiny. As long as the permanent members oppose any change, however, it is unlikely to take place, although an Assembly committee on Charter review has been established and may make proposals. Canada has taken the view that the balance of power between the General Assembly and the Security Council as embodied in the Charter is an essential element in the life of the organization and that without the "safety-valve" of the veto power intolerable strains might have developed between majority and minority at any one time. There are other ways in which the effectiveness of the UN as an instrument for international co-operation can be strengthened, short of Charter amendment, including restructuring of the economic and social sectors and agencies so as to enhance the influence and status of the developing countries. Nevertheless, Canada agrees that the question of Charter reform deserves sympathetic examination. It will certainly not go away. If the UN is to evolve gradually into a body capable of making decisions that affect the vital interests of states, it must follow procedures that give confidence to its leading members or groups of members that their interests are protected in some rational and responsible way. In the meantime, the essential condition for change in the system is that it be accomplished in ways that ensure the integrity of the system itself. A United Nations without the U.S.A. or without the U.S.S.R. or without Africa might have a role to play, but it would not be able to implement the principles and purposes of the Charter.



#### IV. Canada's Participation in the UN System

The foreign policy review of 1970 stated as a basic premise that Canada "should continue its policy of working actively to achieve the goal of making the UN an effective instrument for international co-operation and improving its capacity to discharge its charter responsibilities". Some of the ways Canada has attempted to do this have been described in the preceding pages. This section analyses three major ways in which Canada concretely participates in UN activities: financial contributions, membership of UN bodies, and voting in the General Assembly.

##### A) Canada's financial participation in the United Nations family of organizations

The extensive contributions of Canada to the United Nations system of organizations, coupled with a Canadian tradition of prompt payment of assessments and pledges, are concrete examples of the firm official support that is accorded to the world organization. Since 1945, a total of \$843 million in cash and commodities has been paid by Canada to various UN programs and agencies. (See Appendix B.)

This global contribution can be broken down into a number of broad categories and enlarged to include other elements of participation that go beyond the provision of purely financial support:

- (1) assessed contributions (\$26 million to regular budgets in 1976 - see Chapter II G) plus \$4.6 million to the UNEF II/UNDOF special accounts;
- (2) voluntary contributions -- (a) contributions for activities of economic and social development (See Chapter II D c) and (b) donations of commodities such as wheat flour (WFP, UNRWA, refugees, humanitarian assistance);
- (3) provision of troops and equipment for peace-keeping;
- (4) services of Canadians in the secretariats of the UN and its agencies.

Voluntary contributions, generally provided through the Canadian International Development Agency, constitute approximately 85 per cent of Canada's financial involvement in the UN, and in 1976 amounted to \$140 million. Within this amount, Canadian priority was attached to the central development funds of the UN (UNDP, UNICEF), which together received about \$28 million, and the World Food Program, with \$99 million (\$10 million cash, \$89 million in food grains). The concentration of Canada's aid to the foregoing UN institutions reflects its position as one of the world's major food producers and its preference in principle to channel assistance through general development funds rather than the several project funds established from

time to time by the UN and the Agencies for special purposes. Other smaller contributions in cash and kind go towards refugee activities, programs to benefit the victims of apartheid, and humanitarian and disaster relief assistance, all of which respond to urgent needs in the international community.

The Canadian contributions for peace-keeping relate primarily to the expenses beyond those that it would have cost to maintain the same forces in Canada. For UNFICYP it is estimated that Canada spent about \$10 million in 1975-76, including \$1.93 million that represented unclaimable expenses attributable solely to the Canadian presence in Cyprus, and a further \$800,000 for airlift costs that will be refunded by the UN. In the Middle East there are about 1,000 Canadians serving with the UNEF II/UNDOF Forces at a total annual cost of \$13 million, including pay and allowances, of which about \$7 million annually is reimbursed by the UN. Participation in the three operations cost Canada about \$6.5 million net in the 1975-76 fiscal year, or about 10 per cent of Canada's total contributions to the UN system in the same year (excluding food aid).

Although there is no official financial outlay involved, a final aspect of Canada's contribution to the United Nations that merits mention is that of the Canadians who work in the secretariats of the UN and its programs and agencies. At the professional level and above there are close to 300 individuals, including two at the assistant and under-secretary general level. Canadians may apply for positions in the Secretariat, and many well-qualified individuals do so each year with the support of the Federal Government. Although opportunities for advancement may not be as extensive as at the national level, the remuneration of UN staff is generous by Canadian standards, and many have successfully pursued careers in the international civil service.

#### B) Canadian membership in United Nations bodies

Canada is a member of the United Nations, the Specialized Agencies, IAEA and the General Agreement on Tariffs and Trade (GATT). Many of these bodies spawn a proliferation of committees and commissions, which, including their various governing bodies, executive councils and boards, number 143. As of January 1, 1977, Canada has been a member of 91 of these bodies by virtue of subscription, election and/or appointment.

In the overwhelming majority of cases, Canadian membership is a result of election. There are some notable exceptions. Canada is counted as a member by virtue of the service of Canadians in the peace-keeping forces and organizations of the UN (UNTSO, UNEF, UNDOF, UNMOGIP and UNFICYP). In the IAEA, Canada has been designated a member of the board of governors as one of the nine most advanced countries in the technology of atomic energy. Canada's appointment to the Governing Body of the ILO rests upon its designation as a "state of chief industrial importance" and, similarly, to ICAO because it is a "state of chief importance in air transport". Similarly, Canada is an "automatic" or appointed member of the executive boards of the IMF and the IBRD. Furthermore, one appointive position on the Board of Executive Directors of the Inter-American Development Bank is reserved for Canada.



The most pre-eminent of the elective bodies is the Security Council, on which Canada is now serving its fourth term (1977-78). Election to such bodies is usually based on the principle of equitable geographical representation, although other guiding principles are mentioned in the Charter, and to implement this principle schemes for the allocation of seats by region have been devised. Canada is considered as a member of the WEO group (which includes as well the U.S.A., Australia and New Zealand) and as a member of the Western hemisphere group. It is as a member of the latter group that it participates in the governing bodies of the UPU, WHO, ITU and World Meteorological Organization.

Within the Western European and others group, seats are allocated on the basis of sub-groups that are not always clearly defined or accepted. For example the "Old Commonwealth" group, which includes Canada, Australia and New Zealand, is normally allotted two seats on the Economic and Social Council but is not regarded as a sub-group for purposes of election to the Security Council. The WEO group also functions as an electoral coalition (although not necessarily with Canada as a part of the above-mentioned sub-group) for elections to other UN bodies, such as the Councils of the Environment Program and the Development Program.

Canada's membership in UN bodies as a whole is as follows:

	Canadian membership	Total
UNGA (with subsidiary and <u>ad hoc</u> bodies)	16	40
Security Council (and related bodies and committees)	11	12
Economic and Social Council (and related bodies)	12	31
Special bodies of the UN	8	11
Governing bodies of special bodies	3	6
Specialized Agencies	25	25
Governing bodies of Specialized Agencies	10	11
Other agencies	4	4
Regional development banks	2	3
	<hr/> 91 <hr/>	<hr/> 143 <hr/>



### C) Canada's voting record

In total, some 245 resolutions were adopted by the thirty-first regular session of the UNGA. Of these, 148 resolutions (60 per cent) were adopted by consensus or acclamation, and 97 resolutions (40 per cent) were adopted after recorded votes. (See Appendix B.) In the 97 recorded votes, Canada voted "yes" 56 times (57.3 per cent), "no" seven times (7.22 per cent) and abstained 34 times (35.05 per cent). Of the totality of 245 resolutions adopted, Canada was obliged to vote against only 2.85 per cent of the resolutions and abstained 13.88 per cent of the time.

Most of Canada's negative votes and abstentions have related to resolutions dealing with the Middle East or Southern Africa. In both cases the number of resolutions tends to increase every year. There were 19 resolutions on Southern Africa in 1976 compared to 11 the year before, and the tone of these resolutions was more militant. Canada voted in favour of 11 resolutions at UNGA XXXI, opposed two, and abstained on six, compared to 9-1-1 at UNGA XXX.

On issues relating to Israel and the Middle East, UNGA XXXI produced some 18 resolutions, compared to the 15 resolutions emanating from UNGA XXX. There were ten Canadian positive votes at UNGA XXXI, compared to five the previous year. The number of negative votes (three) remained the same, while there were five abstentions at UNGA XXXI, compared to seven at UNGA XXX. Of these, 12 resolutions were the same at the two sessions, and Canada's vote remained unchanged on ten. A change in the text of the resolution on population and refugees displaced since 1967 permitted Canada to change its negative vote to a positive one at the thirty-first session. Elimination of a reference recalling Resolution 3379 (XXX) in the resolution on the implementation of the program for a decade of action to combat racism permitted Canada to abstain rather than vote against that resolution. Five resolutions at UNGA XXX had no direct equivalent at the later session. Six resolutions at UNGA XXXI, including, inter alia, two Habitat-related texts, a resolution about the return of refugees to the Gaza Strip and a call for the resumption of the Geneva Conference, accounted for Canada's other five positive votes and single abstention on Middle East related questions.

At UNGA XXXI the First Committee adopted 21 resolutions on disarmament and arms-control issues, compared to 24 at UNGA XXX. The bulk of the resolutions remained virtually the same and Canada's voting record at UNGA XXXI was consistent with that of the previous session. There was a similar congruence in Canada's voting pattern in the Third Committee consideration of human rights questions at the two sessions.

Among the votes not previously explained there were two other negative votes cast by Canada at the 1976 session. The resolution on international terrorism in the Sixth Committee was unacceptable because it did not condemn acts of terrorism whatever their causes and seemed to be an attempt to justify certain kinds of terrorism.

On the resolution concerning the question of Guam, Canada's negative vote was cast to indicate that, although in some respects more moderate than at UNGA XXX, the language of the resolution remained patently unfair to the United States position.

The 15 abstentions not accounted for previously were spread over the following issues: measures to promote international security (three); measures to promote social progress (one); aspects of diplomatic relations (one); measures to assist developing countries (four); decolonization (five); and the Joint Staff Pension Fund (one). Canada abstained on the resolutions arising out of the first three issues named above because it judged that the resolutions were merely declarative in nature and might detract from the existing body of international law and the Charter of the United Nations. While supporting most measures to assist developing states, Canada abstained on four because they were either inequitable in their approach, promoted unacceptable policies or advocated the duplication of the functions of existing agencies. As well, certain resolutions concerning decolonization seemed to prejudge the outcome of ongoing negotiations between the parties involved.





**Resolution 242 (1967)**

**of 22 November 1967**

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the Area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. Affirms that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. Affirms further the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area through measures including the establishment of demilitarized zones;



3. Requests the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

### Decision

On 8 December 1967, the following statement which reflected the view of the members of the Council was circulated by the President as a Security Council document (S/8289):<sup>12</sup>

"As regards document S/8053/Add.3<sup>12</sup> brought to the attention of the Security Council, the members, recalling the consensus reached at its 1366th meeting on 9 July 1967, recognize the necessity of the enlargement by the Secretary-General of the number of observers in the Suez Canal zone and the provision of additional technical material and means of transportation."

### Resolution 338 (1973)

of 22 October 1973

The Security Council

1. Calls upon all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;
2. Calls upon the parties concerned to start immediately after the cease-fire the implementation of Security Council Resolution 242 (1967) in all of its parts;
3. Decides that, immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

**CANADA'S FINANCIAL CONTRIBUTIONS TO THE  
UNITED NATIONS SYSTEM (\$000 CANADIAN)\***

	Financial year ending March 31/76	Financial year ending March 31/75	Total 1945-1976
A. UN regular budget	9,856	8,838	91,857
B. Peace-keeping			
UNFICYP	1,930	3,853	27,812
UNEF II	4,620	2,803	8,377
C. Social and economic programs			
UNDP	24,500	22,200	161,071
UNHCR	600	550	39,332
UNICEF	3,500	2,500	33,875
UNRWA**	1,350	1,150	32,753
UNITAR	60	60	660
UNETPSA	175	175	649
WFP**	10,000	3,739	141,252
UNFPA	3,500	2,500	13,052
Committee on Racial Discrimination	3	2	13
Trust Fund for South Africa	10	10	60
Fund for Drug Abuse Control	200	200	950
UN Voluntary Fund for Environment	--	--	1,004
D. Specialized Agencies and IAEA			
ILO	2,761	1,497	19,567
FAO	3,321	2,141	25,678
WHO	3,676	1,395	33,149
UNESCO	2,491	2,690	22,617
ICAO	443	424	6,599
IMCO	42	27	299
ITU	690	503	4,791
WMO	243	178	1,389
UPU	130	132	1,006
IAEA (regular and operational budgets)	1,155	881	7,220
GATT	651	557	3,898
WIPO	117	141	258
E. UN Association in Canada	35	35	470

\* Canada ranks as sixth- to eighth-largest contributor to the budget of the United Nations and its related agencies.

\*\* Contributions to UNRWA and the World Food Program include only the cash portion of the Canadian donation. There are also contributions in kind, consisting primarily of food grains.



## CANADA'S VOTING RECORD AT THE UNITED NATIONS GENERAL ASSEMBLY

	Total resolutions and sub-resolutions	Adopted unanimously	Canada voted "yes"	Canada abstained	Canada voted "no"
Twenty-seventh session (1972)	170	50 (29.5%)	83 (48.8%)	32 (18.8%)	5 (2.9%)
Twenty-eighth session (1973)	168	66 (39.3%)	70 (41.7%)	32 (19.0%)	0 (0%)
Sixth special session (May 1974)	3	3 (100%)			
Twenty-ninth session (1974)	179	90 (50.3%)	62 (34.7%)	23 (12.8%)	4 (2.2%)
Seventh special session (September 1975)	1	1 (100%)			
Thirtieth session (1975)	204	114 (55.9%)	57 (28.0%)	26 (12.7%)	7 (3.4%)
Thirty-first session (1976)	245	148 (60.41%)	56 (22.86%)	34 (13.88%)	7 (2.86%)

Note: On no occasion has Canada refrained from voting on the resolution.







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